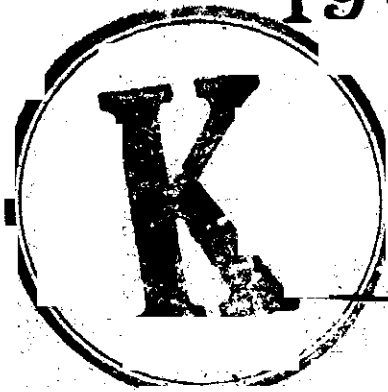


1943.

File No. Ferries II
43



Legal Department
R BRANCH

Subject:— Rule and Regulations
under the Rimbay Ferries Act. 1868

1 P 1 A
(E)

File No. Ferries II / 43

Office of the R.L.A.

The point of reference to the R.L.A. is not understood. In paragraph 5 of the P.C.D. note on p. 289 the question considered is as to who should be empowered to issue licences under section 14C of the Bombay Ferries Act, 1868. This question is purely administrative and no legal point is involved. The papers are, therefore, seen and returned.

Id./P.N.E. 29/7

Remembrancer of Legal Affairs,

U.S. to P.C.D., No. 5214, dated the 30th July 1943.

SLR 13-7-56
4 Copies.

211
221
31/7

Office of the R.L.A.

I am of the opinion that section 17A(2)(a) of the Bombay Ferries Act, 1868, in so far as it provides for prescribing the licensing officers should prevail, and the word "empowered" in sections 14C and 14D should be construed as "prescribed".

Neither section 14C nor section 14D prevents the empowerment of officers being made under a rule, ~~while if those sections are~~ ^{while if those sections are}

construed as not requiring a rule, the words "the officers by whom and" in section 17A(2)(a) would be purposeless. In order therefore to harmonise the provisions, the empowerment under sections 14C and 14D should be effected by making the rule. This would of course require prepublication of the draft rule.

2 The requisite draft notification prescribing a rule for the purposes of section 14C, embodied in a draft for previous publication is sent herewith. The P.W.D. draft at page 308 would create a conflict of jurisdiction between executive Engineers and Presidents of District Local Boards in respect of vessels (other than public ferries) plying on lakes, tanks, rivers etc. which are in charge of executive Engineers. The revised draft rule sent herewith resolves the conflict by empowering Presidents of District Local Boards to grant licenses within their jurisdiction in respect of such vessels as ply on lakes, tanks, rivers etc. which are not in charge of Executive Engineers.

Id./P.N.M.

Remembrancer of Legal Affairs.

U.R. to P.W.D. No. 9492, dated the 28th December 1943.

SMR 13-7-56
4 Copies.

NOTIFICATION.

Public Works Department,
Bombay Castle, December 1943.

Bombay Ferries
and Inland Vessels
Act, 1868.

No. :- The following draft of a notification which it is proposed to issue under clause (4) of sub-section (2) of section 17A of the Bombay Ferries and Inland Vessels Act, 1868 (Bom. II of 1868), is published as required by sub-section (1) of the said section 17A, for the information of all persons likely to be affected thereby, and notice is hereby given that the said draft will be taken into consideration by the Government of Bombay on or after 194

* To be filled
in by P.W.D.

2 Any objections or suggestions which may be received by the Secretary to the Government of Bombay in the Public Works Department, with respect to the said draft, before the aforesaid date will be considered by Government.

DRAFT NOTIFICATION.

In exercise of the powers conferred by clause (a) of sub-section (2) of section 17A- of the Bombay Ferries and Inland Vessels Act, 1868 (Bom. II of 1868) the Government of Bombay is pleased to make the following rule, namely:-

"The officers mentioned in column 1 of the Schedule hereto are empowered to grant licenses under section 14C of the Act in respect of ferries and vessels specified in column 2 of the said Schedule against them, namely:-

Schedule.

Officers

Ferries and Vessels

1

2

(1) Executive Engineers
of Divisions of the
Public Works Department...

Public ferries vest-
ing in Government an
vessels plying
on any river, stream
creek, tank, lake or
other collection of

water affording passage
for a vessel in their
charge'.

(2) Presidents of District Ferries and vessels not
Local Boards..... specified in entry(1) and
within their jurisdiction"

By order of the Governor of Bombay,

Secretary to Government.

SMR 13-7-56
4 Copies.